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AO 91 (Rev. 11/11) Criminal Complaint

Officer:

Mary Riehs

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Salomon HERNANDEZ-DIAZ

Case: 2:23-mj-30052
 Case No. Assigned To : Unassigned
 Assign. Date : 2/3/2023
 USA V. HERNANDEZ-DIAZ (CMP)(CMC)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 27, 2023 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about January 27, 2023, in the Eastern District of Michigan, Southern Division, HERNANDEZ-DIAZ, an alien, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about November 24, 2015 and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; all in violation of Title 8, United States Code, Section 1326(a).

☒ Continued on the attached sheet.


Complainant's signature

Mary Riehs, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: February 3, 2023City and state: Detroit, Michigan

Judge's signature

Kimberly Altman, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Mary Riehs, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security, having served with ICE since July 2020. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers and record checks of law enforcement databases. I have also reviewed relevant immigration records and system automated data relating to Salomon HERNANDEZ-DIAZ, which reveal the following:
2. HERNANDEZ-DIAZ is a thirty-seven-year-old citizen and native of Mexico, who last entered the United States on an unknown date, at an unknown place, without inspection by the U.S. Department of Homeland Security.
3. On or about March 3, 2008, ICE arrested HERNANDEZ-DIAZ in Jackson, MI and served him with Form I-862 Notice to Appear.
4. On or about March 20, 2008, an Immigration Judge in Detroit, MI ordered HERNANDEZ-DIAZ removed from the U.S. to Mexico.
5. On or about April 8, 2008, ICE removed HERNANDEZ-DIAZ from the U.S. to Mexico through Harlingen, TX.
6. On or about October 6, 2015, Border Patrol arrested HERNANDEZ-DIAZ in Animas, NM and served him Form I-871 Notice of Intent/Decision to Reinstate Final Order.
7. On or about October 28, 2015, the U.S. District Court District of New Mexico convicted HERNANDEZ-DIAZ of Unlawful Re-Entry Following Removal, in violation of Title 8 U.S.C. §1326(a) and (b) and sentenced him to 24 days or time served, whichever is less.
8. On or about October 30, 2015, Border Patrol removed HERNANDEZ-DIAZ from the U.S. to Mexico through Del Rio, TX.
9. On or about November 23, 2015, ICE arrested HERNANDEZ-DIAZ in Lubbock, TX and served him Form I-871 Notice of Intent/Decision to Reinstate Final Order.

10. On or about November 24, 2015, ICE removed HERNANDEZ-DIAZ from the U.S. to Mexico through Del Rio, TX.

11. On or about January 27, 2023, ICE encountered HERNANDEZ-DIAZ, a previously removed non-citizen, due to a duty call from the Troy Police Department following an arrest for Domestic Violence. ICE subsequently issued an I-247 Detainer for HERNANDEZ-DIAZ with the Troy Police Department.

12. On or about January 27, 2023, ICE arrested HERNANDEZ-DIAZ at the Troy Police Department in Troy, MI and served him Form I-871 Notice of Intent/Decision to Reinstate Prior Order. Fingerprint checks confirmed a positive match for Salomon HERNANDEZ-DIAZ, DOB: XX/XX/1986, AXXX XXX 840, a previously removed alien.

13. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any non-citizen entering or attempting to enter the United States, or any non-citizen present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of noncitizens.

14. A review of immigration records (A #XXX XXX 840) for HERNANDEZ-DIAZ and queries in U.S. Department of Homeland Security databases reveal that no record exists of HERNANDEZ-DIAZ obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal from the United States on or about November 24, 2015.

15. Based on the above information, there is probable cause to believe that, on or about January 27, 2023, in the Eastern District of Michigan, Southern Division, HERNANDEZ-DIAZ, an alien, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about November 24, 2015 and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for

admission thereto; all in violation of Title 8, United States Code, Section 1326(a).



Mary Riehs
Deportation Officer

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Kimberly Altman
U.S. Magistrate Judge

Dated: February 3, 2023